

The International Legal Characterization of the Crimes of the Zionist Entity against Palestinians; Operation Al-Aqsa Flood as a Model¹

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Abstract

The cowardly Zionist entity justified its recent aggression against the Gaza Strip through bombings, destruction, and killings, claiming these actions were part of its legal exercise of the right to self-defense, particularly citing legitimate self-defense under Article 51 of the United Nations Charter. This was ostensibly in response to the recent "Operation Al-Aqsa Flood." The entity used this reasoning to justify its deployment of force, aerial and ground bombardments of cities and residential neighborhoods in Gaza, and the killing of innocent civilians, including children, women, the elderly, and the vulnerable. This approach directly violates the provisions of international law governing armed conflicts.

Keywords: War crimes, crimes against humanity, legal characterization, Gaza, Palestine

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Introduction

The ongoing aggression by the Zionist entity in Palestinian territories, especially in the Gaza Strip, the West Bank, and occupied Jerusalem, remains a pressing issue, emphasizing that the Palestinian cause is one of occupation and sovereignty over land-1-. The Zionist entity has long attempted to portray this issue as a political rather than an occupation-related one. However, reality demonstrates otherwise. Amid deafening international silence, the occupation forces launched wars against the Palestinian population, notably the assault on Gaza in 2008. Many sources reported that this offensive resulted in approximately 1,434 deaths over 23 days, including 960 civilians, 239 police officers, 288 children, and 121 women, with 5,303 injuries, most of whom were defenseless civilians-2-.

1. Abdulrahman Mohammed Ali, *Israeli War Crimes: Crimes of Aggression According to the Rome Statute of the International Criminal Court*, First Edition, Al-Zaytouna Center for Studies and Consultations, Beirut, 2009, p. 251.

2. Abdulrahman Mohammed Ali, *Israeli Crimes During the Aggression on Gaza – A Legal Study*, First Edition, Al-Zaytouna Center for Studies and Consultations, Beirut, Lebanon, 2009, p. 07.

Returning to recent developments, on October 7, 2023, Al-Qassam Brigades of the Palestinian resistance launched an attack on Israeli settlements around Gaza, resulting, according to the Zionist entity, in the death of 1,200 individuals, including soldiers of varying ranks and civilians. This operation, known as "Al-Aqsa Flood,"³ caused over 4,000 injuries and the capture of more than 130 individuals. This action was a response to ongoing Zionist violations against Palestinians, the severe siege on Gaza, and a rejection of Zionist-American security solutions. The "Al-Aqsa Flood" operation marked an unprecedented event in Palestinian resistance history since the occupation of Palestinian lands in 1948.⁴

On its 376th day, this operation led to a horrific, bloody conflict, resulting in the deaths of numerous innocent Palestinians of various ages. To date, 42,409 people have been killed, and 99,153 injured, as the Zionist entity employs brutal methods to kill and terrorize Gaza's elderly, women, and children without any significant international response. This study is essential as it seeks to shed light on the major crimes committed by the Zionist entity in Gaza and attempts to legally characterize these crimes. Evidence supporting this study includes numerous testimonies from soldiers of this entity who participated in previous wars, witnessing the tragedy's events firsthand, as well as current accounts⁵. The central question of this study aims to identify the nature of the crimes committed by the Zionist entity and their legal classification under international law. In addressing this question, we relied on various research methods, primarily descriptive, analytical, and historical, dividing our study into two sections:

Chapter One: Classifying the Crimes of the Zionist Entity in Gaza as War Crimes

Chapter Two: Classifying the Crimes of the Zionist Entity in Gaza as Crimes Against Humanity

Chapter One: Classifying the Crimes of the Zionist Entity in Gaza as War Crimes

War crimes are among the most significant and dangerous crimes in the international community⁶, with current conflicts producing massacres, torture, summary executions, and forced displacement. Gaza exemplifies these atrocities. Some argue that such practices are mere remnants of war, yet this is incorrect; they are unlawful actions criminalized by various international laws⁷. It is unconscionable to kill infants, the elderly, and women in Gaza under the pretext of "Al-Aqsa Flood," while the international community remains silent. What are war crimes, and what forms do they take?

Section One: The Concept of War Crimes:

War crimes are among humanity's oldest crimes, with no legal framework to regulate them in ancient times. However, with the evolution of society, war crimes drew increasing attention due to their severity and cruelty, with Gaza's daily suffering as a prominent example. How have international agreements defined war crimes, and what is their legal framework?

Subsection One: Definition of War Crimes in International Agreements

War crimes are defined in international agreements as serious violations of international humanitarian law, committed during international and non-international armed conflicts.

Many international instruments have provided definitions of these crimes, including the Nuremberg International Military Tribunal's statute, the Geneva Conventions of 1949 and their Additional Protocols of 1977, as well as the legal frameworks of the ad hoc tribunals for the former Yugoslavia and the Rome Statute of the International Criminal Court adopted on July 17, 1998. Various domestic laws also define and prohibit practices considered war crimes.⁸

One aspect of interest is the horrors resulting from World War II, which led military leaders of Allied countries to condemn the crimes committed by the Germans and emphasize the need for punishment. British Prime Minister Churchill issued a statement in 1941 identifying criminal punishment as one of the war's objectives, stating that such crimes should be punished.⁹ This sentiment was echoed by the international community. But where does Gaza fit into this? Evidence shows that what is happening in Gaza is even more severe than what occurred in the past, particularly with advancements in weaponry. However, the powerful nations that should support Palestine today are allied with the Zionist entity.

Subsection Two: The Legal Framework for War Crimes

War crimes have been codified in various international legal instruments, including:

First - The Paris Declaration on Maritime Law

Issued on April 16, 1856, this was the first written international document that applied legal dimensions to certain aspects of maritime warfare.

Following it were the U.S. instructions of 1863, the first attempt to codify rules of land warfare, criminalizing certain acts against civilians and imposing penalties on perpetrators.¹⁰

Second - The Geneva Convention on the Protection of Civilian Persons in Time of War

Signed on August 12, 1949, its parties agreed that in cases of armed conflict not of an international character within the territory of one of the High Contracting Parties, the following minimum provisions would apply:

1. Persons not actively participating in hostilities, including members of armed forces who have laid down their arms or are incapable of combat due to illness, injury, detention, or other reasons, shall be treated humanely without adverse distinction based on race, color, religion, belief, sex, birth, wealth, or any similar criteria.

For this purpose, the following acts are prohibited and shall remain prohibited at all times and places concerning the above-mentioned persons:

a. Violence to life and person, particularly murder of all kinds, mutilation, cruel treatment, and torture.

b. Taking of hostages.

c. Outrages upon personal dignity, particularly humiliating and degrading treatment.

d. Passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all necessary judicial guarantees recognized by civilized peoples.

2. The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the parties to the conflict. Moreover, the parties shall endeavor, by means of special agreements, to implement all or parts of the other provisions of this convention.¹¹

Third - The Second Hague Peace Conference

This was the conference held in 1907, with its proceedings continuing the work and outcomes of the First Hague Peace Conference, and this convention criminalized the following actions:

1. The use of poison or poisoned weapons in war.

2. The prohibition of killing or wounding an individual who has surrendered or is unable to fight.

3. The prohibition of seizing or destroying private enemy property unless dictated by military necessity.

4. The prohibition of conscripting citizens against their own country.

5. The prohibition of bombing open cities and villages.

6. Article 50 of the regulations prohibited imposing collective punishment on the population, including taking hostages. [12]

Fifth - The Rome Statute of the International Criminal Court:

This statute specifically enumerated war crimes and determined the jurisdiction of the International Criminal Court over them, as stated in paragraph "c" of Article 05 -13-of this statute. [2] Article 08 of the Rome Statute further clarified the definition of war crimes, closely linking it to the atrocities occurring in Gaza today. Under this statute, war crimes are considered grave breaches of the Geneva Conventions dated August 12, 1949, covering any of the following actions against persons or property protected by the relevant Geneva Conventions:

1. Willful killing.
2. Torture or inhuman treatment, including biological experiments
3. Willfully causing great suffering or serious injury to body or health.
4. Extensive destruction and appropriation of property without military necessity, and carried out unlawfully and wantonly.
5. Compelling a prisoner of war or other protected person to serve in the armed forces of a hostile power.
6. Willfully depriving a prisoner of war or other protected person of the right to a fair and regular trial.
7. Unlawful deportation or transfer or unlawful confinement.
8. Taking hostages. [14]

War crimes also include other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, covering actions such as:

1. Intentionally directing attacks against the civilian population as such, or against individual civilians not taking direct part in hostilities.
2. Intentionally directing attacks against civilian objects, that is, objects which are not military targets.
3. Intentionally attacking personnel, installations, material, units, or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the UN Charter, provided they are entitled to the protection given to civilians or civilian objects under international law.
4. Launching an attack with the knowledge that it will cause incidental loss of life, injury to civilians, damage to civilian objects, or widespread, long-term, and severe damage to the natural environment, which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated.
5. Attacking or bombarding towns, villages, dwellings, or buildings that are undefended and are not military targets, by any means.
6. Killing or wounding a combatant who has surrendered at discretion or who is unable to defend himself.
7. Misusing a flag of truce, the flag or military insignia and uniform of the enemy, or the United Nations flag or its military insignia, resulting in death or serious personal injury.
8. The transfer, directly or indirectly, by the occupying power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory.
9. Intentionally directing attacks against buildings dedicated to religion, education, art, science, or charitable purposes, as well as historical monuments, hospitals, and places where the sick and wounded are collected, provided they are not military objectives.
10. Subjecting persons under the control of a hostile party to physical mutilation or to medical or scientific experiments that are neither justified by the medical or dental treatment of the person concerned nor carried out in their interest, and which cause death or seriously endanger their health.
11. Killing or wounding treacherously individuals belonging to the hostile nation or army.
12. Declaring that no quarter will be given (i.e., that no one will be spared).
13. Destroying or seizing enemy property, unless such destruction or seizure is compelled by the necessities of war.
14. Declaring that the rights and claims of nationals of the hostile party are canceled, suspended, or will not be accepted in any court.

15. Forcing nationals of the hostile party to participate in military operations directed against their country, even if they were in the service of the warring state before the outbreak of war.

16. Looting any town or place, even if it has been taken by force.

17. Using poisons or poisoned weapons.

18. Using asphyxiating or poisonous gases or other similar gases, and all related liquids, materials, or devices.

20. Using bullets that expand or flatten easily in the human body, such as bullets with hard covers that do not cover the entire bullet or bullets with grooved coverings.

21. Using weapons, projectiles, materials, or methods of warfare that cause excessive harm or unnecessary suffering, or that are inherently indiscriminate, contrary to international law regarding armed conflicts, provided that such weapons, projectiles, materials, and methods of warfare are subject to a comprehensive ban and are included in an annex to this Statute, through an amendment in accordance with relevant provisions in Articles 121 and 123 of the Rome Statute of the International Criminal Court, adopted in Rome on 17 July 1998. [15]

22. Attacking the dignity of a person, especially through humiliating and degrading treatment.

23. Rape, sexual slavery, forced prostitution, forced pregnancy as defined in paragraph 2(f) of Article 7 of the Rome Statute of the International Criminal Court, forced sterilization, or any other form of sexual violence also constituting a serious breach of the Geneva Conventions.

24. Using the presence of a civilian or other protected persons to render certain points, areas, or military units immune from military operations.

25. Intentionally directing attacks against buildings, materials, medical units, transportation, and personnel bearing the distinctive emblems as per the Geneva Conventions under international law.

26. Intentionally starving civilians as a method of warfare by depriving them of essential supplies for survival, including intentionally obstructing relief supplies as stipulated in the Geneva Conventions.

27. Recruiting children under the age of fifteen, either forcibly or voluntarily, into the armed forces or using them to participate actively in hostilities. [16]

Section Two: The Most Notable War Crimes Committed by the Zionist Entity in the Gaza Strip

In light of the standards established by international conventions, especially the aforementioned Rome Statute, some of the most notable war crimes committed by the Zionist entity in the Gaza Strip against its innocent inhabitants include:

First Subsection: The Crime of Deliberate Killing in Gaza

The crime of deliberate killing constitutes a war crime when these acts are committed against any individual under the protection of one or more conventions during hostilities. In reality, the opposite is happening, particularly in the massacres in Gaza, where the Zionist entity has committed numerous such crimes [17]. These crimes violate the right to life outlined in Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights, which states that the right to life is inherent to every human being, and that "this right shall be protected by law" and "no one shall be arbitrarily deprived of his life."

Regarding deliberate killing, the government information office in Gaza reported that Zionist forces killed about 30,000 civilians, the majority of whom are women and children, representing 72% of the total martyrs. They were targeted either directly as civilians, without any involvement in hostilities, or through unlawful extrajudicial killings [18], constituting deliberate killing with all its internationally recognized criminal elements.

Second Subsection: The Use of Internationally Prohibited Weapons

Among these weapons are electromagnetic or microwave weapons, thermobaric bombs, fuel-air bombs, white phosphorus, and small bombs filled with metal fragments (DIM weapons), all of which were reportedly used in Gaza, with evidence provided by doctors, journalists [19], and civilians. Since October 7, 2023, the Zionist entity has employed starvation tactics, cut off fuel and medicine to Gaza, and also used toxic substances that are harmful to humans. The introduction of new weapons in the ongoing war was confirmed by an Amnesty International investigation, revealing the use of white phosphorus based on testimonies from doctors, patients with burns, and

verified videos by the organization's Crisis Evidence Lab. The lab confirmed that the Zionist entity used this material, which is a waxy yellow or colorless solid chemical that causes deep burns penetrating the bones. It can reignite during or after initial treatment upon exposure to oxygen and is used by armies to illuminate battlefields and generate smoke screens. When ignited, it clings to surfaces like skin and clothing.

In addition to white phosphorus, the Zionist entity has faced accusations of using several types of internationally prohibited munitions that are banned against humans, such as thermobaric bombs and depleted uranium.

Thermobaric bombs, a type of air-fuel bomb, create a massive fireball upon explosion, reaching temperatures as high as 3,000 degrees Celsius, twice that of conventional bombs. These bombs deplete the surrounding oxygen, suffocating and burning all living creatures within range. Survivors are often left blind, brain concussed, with ruptured eardrums, blocked airways, collapsed lungs, and other severe injuries. Depleted uranium, used in certain types of bombs launched from artillery or dropped from fighter jets, has high penetrating power against concrete and armored materials. According to United Nations reports, exposure to this material increases the risk of chronic diseases like cancer and respiratory diseases by up to 40%, especially in those frequently exposed. According to the Euro-Mediterranean Human Rights Monitor, Israel dropped over 25,000 tons of explosives on Gaza until November 2023, equivalent to two nuclear bombs. The monitor noted in a statement that the Israeli military admitted to targeting over 12,000 sites in Gaza, with a record-breaking number of explosives equating to 10 kilograms per person, a substantial amount considering that a hand grenade weighs less than 400 grams. [20]

Third Subsection: Attacks on Civilians in the Gaza Strip:

The established facts regarding the massacres witnessed in the Gaza Strip have proven to result in widespread destruction and devastation affecting every civilian residing in the area, sparing no one. Innocent civilians, particularly children, women, the elderly, and other unarmed peaceful individuals, have been among the most affected. [21]

The recent war in Gaza has displaced the majority of the region's 2.3 million residents, causing a severe humanitarian crisis. The United Nations reports that almost the entire population of Gaza has been displaced, with many people forced to flee multiple times and unable to find a safe haven. Thousands of Palestinians face arbitrary detention, and some reports indicate instances of torture and other forms of inhumane treatment. [22]

Fourth Subsection: Attacks on and Destruction of Civilian Facilities:

Since the onset of its war in Gaza, the Israeli entity has engaged in extensive demolition of institutions, buildings, mosques, and civilian homes. More than 22,000 buildings have been intentionally targeted, either partially or entirely destroyed. [23]

The Euro-Mediterranean Human Rights Monitor has condemned the insistence of the Israeli entity on militarizing civilian structures, including converting schools and educational facilities into military bases as part of its military assault on Gaza, in blatant violation of international law and the rules of war. The Monitor noted that the Israeli entity did not limit its systematic and widespread targeting of schools through bombing and massive destruction or its serious crimes against protected persons within these institutions. It went further, converting several of them into military bases and using them as sites for detention, interrogation, and torture, contrary to international humanitarian laws designed to protect civilian facilities from military operations.

The Euro-Mediterranean Human Rights Monitor recorded several instances of schools throughout Gaza where the Israeli army turned them into military bases and detention centers during its ground invasion of most areas of the Strip. One example is "Salah al-Din Preparatory School" in Gaza City, which was converted into a detention and interrogation center for hundreds of residents last February. Furthermore, Israeli journalist Amir Bohbot published a video on April 30 showing an Israeli military base established within a Gaza school. The video included his narration, "We are in an advanced operations base of the 162nd Division in the heart of Gaza," and footage of containers placed in the schoolyard converted into offices and sleeping quarters. He added, "From here, the raids, ambushes, and other operations will launch."

Earlier, soldiers from the Israeli "Givati" Brigade posted a group photo in a school with weapons and full military gear, with the flags of their division and Israel prominently displayed

behind them. Additional photos showed snipers firing from inside schools, including some under the management of the United Nations.

The Euro-Mediterranean Monitor has also reviewed several videos published by Israeli soldiers showing them occupying schools after forcibly evicting displaced persons sheltering there. In one video, an Israeli soldier documents a message written on a classroom chalkboard in Hebrew and Ukrainian to his mother, informing her that he is in Gaza. Other soldiers posted videos showing them stationed inside classrooms and vandalizing them, with one group even boasting about blowing up a United Nations school. The Euro-Mediterranean Monitor reported that Israel had destroyed 80% of Gaza's schools, either partially or completely, in its military operation since October 7, 2023. This destruction has been described by United Nations experts, in a joint statement issued on April 18, as an "educational genocide," depriving another generation of Palestinians of a future. The Monitor noted that even the schools managed by the United Nations Relief and Works Agency (UNRWA), which had been turned into shelters for hundreds of thousands of forcibly displaced civilians, have been subject to intensive Israeli attacks, some occurring repeatedly and at different times, even in areas the Israeli army declared as "safe."

It is estimated that over 6,500 students and 756 teachers were killed, with thousands more injured, in Israel's military assault on Gaza by mid-April, with the numbers continuing to grow daily. This has deprived at least 625,000 students of their right to education for an entire school year. Additionally, six universities were destroyed, one of which was blown up after being used as a military base by the Israeli army (Al-Isra University).

The Euro-Mediterranean Monitor highlighted remarks from Ajith Sunghay, the head of the Office of the United Nations High Commissioner for Human Rights in the Occupied Palestinian Territory, who stated that the education system in Gaza "no longer exists at this stage," given the use of schools as shelters or their destruction by Israeli airstrikes, leaving no space for children's education. [24]

Chapter Two: Classifying the Crimes of the Israeli Entity in Gaza as Crimes Against Humanity

The term "crimes against humanity" is relatively recent in the international arena, as it was officially recognized only after World War II, first appearing in Principle VI of the principles outlined in the charter establishing the military tribunal for prosecuting senior German war criminals (Nuremberg Trials). This marked the first usage of the term "crimes against humanity." [25] So, what does this term mean, and what are its main forms?

Section One: The Concept of Crimes Against Humanity

The criminalization of this type of crime is considered an effective means of providing international legal protection for human rights, whether in peacetime or during wars. Furthermore, it serves as a fundamental safeguard against the tyranny of rulers who may threaten the right to life [26]. How, then, are these crimes defined, and what is their legal nature?

Subsection One: Definition of Crimes Against Humanity [27]

Legal scholarship defines these crimes as "international crimes under public law by which a state is deemed criminal if it harms the lives, freedom, or rights of innocent individuals or groups due to racial, national, political, or religious reasons, or if it inflicts damages beyond the prescribed penalty for an offense [28]. Crimes against humanity are also defined as "those crimes that constitute a flagrant assault on an individual or human groups for certain reasons. [29]

Moreover, Article 6 of the London Charter, establishing the Nuremberg International Military Tribunal, defines crimes against humanity as: "Murder, deportation, enslavement, and any other inhumane acts committed against civilians before or during the war, as well as all forms of persecution based on political, racial, or religious grounds, committed as part of a crime against peace and related to it, even if the acts do not violate the laws of the country in which they were committed." [30]

Subsection Two: The Unique Nature of Crimes Against Humanity

These crimes have several exceptional characteristics, as outlined below:

First. Immunity Does Not Apply to Perpetrators of Crimes Against Humanity:

International practice has shown that most individuals accused of these crimes hold high-ranking positions, either civilian or military. Traditionally, they have been shielded from prosecution by their immunity. However, this changed after World War II as the international community moved toward prosecuting international crimes. [31]

Second. Universal Jurisdiction for Crimes Against Humanity:

Generally, criminal laws are territorial, applying only to crimes committed within a state's borders [32].

However, the current trend in international criminal law is to pursue individuals accused of crimes of particular gravity wherever they may be, regardless of the nationality of the offender or victim, promoting the principle of universal jurisdiction. [33]

Third. On-Applicability of Statutes of Limitations for Crimes Against Humanity:

Given the severe nature of these crimes, statutes of limitations do not apply to them in international criminal law [34]. The non-applicability of these limitations extends to offenses committed before the principle was enshrined in law, emphasizing the necessity of punishing perpetrators regardless of time and place. [35]

Section Two: Key Forms of Crimes Against Humanity Committed by the Zionist Entity in Gaza

In its latest war on Gaza, the Zionist entity has violated numerous provisions of international humanitarian law and human rights law, committing various crimes against humanity, including:

Subsection One: Genocide in Gaza

It is the act criminalized under Article 07 of the Statute of the International Criminal Court, as it constitutes the act by which the crime of extermination is committed against all or part of the civilian population, within the framework of a large-scale and organized attack resulting from the policy of the state or organization it represents.

In this regard, the actions carried out by Israel, including air raids, ground artillery shelling, and naval bombardment on innocent civilian citizens and their residences, especially in the Gaza Strip in 2014, aim to kill as many women, children, and elderly as possible. This means that Israel is committing crimes of extermination.[36]

A report published by the reputable British medical journal The Lancet, issued a few days ago, indicates that the expected number of deaths in Gaza until August, whether by direct killing by the occupation forces or indirectly due to imposed starvation, restricted access to medicine, destruction of medical facilities, sewage plants, drinking water stations, the accumulation of thousands of tons of garbage, and the spread of epidemics, will reach 186,000 people. This represents 8% of the population, equivalent to 27,349,000 Americans, 5,437,000 Britons, or 6,660,000 Germans.

All this happens in full view of the civilized world, which won World War II and took an oath to prevent a recurrence of genocide or wars. The continued lack of a ceasefire to this day essentially gives the occupying state a green light and more time to proceed with its crime, in a time and place where time is measured by the bodies of children, cups of water, and grains of medicine [37]

Subsection Two: Forced Displacement of Gaza's Population

The international community has addressed these actions through numerous international treaties, the most recent being the Rome Statute of the International Criminal Court, which was the first international document to explicitly define this crime. However, the Israeli entity has engaged in this behavior since its occupation of Palestinian territories. For instance, prior to 1948, approximately 350,000 Palestinians were displaced from their homes and lands, leaving behind their properties. Yet, international human rights councils have not acknowledged these crimes, treating them as if they never happened [38]. The goal of the Israeli entity remains the establishment of a state on Palestinian lands [39], a situation exacerbated by the recent war waged by this cowardly entity on the Gaza Strip.

In a statement issued by UNRWA on May 28, 2024, it was noted that over one million people had fled from Rafah alone in the past three weeks, with displacement continuing even now. Rafah's residents have already been displaced multiple times due to heavy bombardment, including in northern Rafah, causing the population to continually seek safety that they never find, as there is no safe place in Gaza and no one is truly safe. Of the 200 trucks carrying humanitarian supplies that

entered the Palestinian side in one day, only 30 were received due to severe movement restrictions and ongoing airstrikes by Israeli forces.

Moreover, previously displaced families have started to relocate once again due to insecurity and Israeli evacuation orders. As of May 26, 2024, the estimated number of displaced individuals from Rafah was around 945,000 since May 6, with an additional 100,000 displaced in northern Gaza. Most UNRWA shelters in Rafah have been emptied, with displaced people moving to Khan Younis and Deir al-Balah. UNRWA Commissioner-General Philippe Lazzarini stated, "Reports continue to come in of further casualties following an Israeli airstrike on a densely populated area northwest of Rafah, with children and women among the dead, living in temporary plastic tents. Many were injured, and others reportedly died by fire. Last night's images are a testament to how Rafah has become hell on earth—a real horror show. Gaza, home to two million people, is living in this hell before the world's eyes."

In another statement from UNRWA, the continuous bombardment across Gaza over the past 100 days has led to a mass displacement of a constantly shifting community. The occupation forces continue to force them from their homes, only to move to equally unsafe places. This represents the largest displacement of the Palestinian people since 1948, affecting over two million people—the entire population of Gaza—many of whom will suffer for life, both physically and psychologically. The vast majority, including children, experience severe trauma, and families are frequently forced to move in search of safety. Following the intense Israeli shelling and recent fighting in Khan Younis and central areas, a significant number of displaced persons have once again moved southward. [40]

Subsection Three: Torture in Gaza

The crime of torture is one of the most heinous crimes committed against humanity, as international laws have criminalized it on numerous occasions. In contrast, the Israeli forces have practiced various forms of torture against Palestinians. This includes the events witnessed in the Sabra and Shatila camps, as well as what happened in the Jenin camp in 2002, not to mention the crimes of murder, torture, and burning committed against children, women, and the elderly. [41]

Regarding recent events in the Gaza Strip, a report issued by two Palestinian institutions revealed that 1,200 Palestinian prisoners kidnapped by the Israeli army during its ground invasion of Gaza are facing systematic torture in the Negev prison in southern occupied Palestinian territories. The report, prepared by the Palestinian Prisoners and Released Prisoners Affairs Commission and the Palestinian Prisoners Club, conveyed new testimonies from eight Gaza prisoners held in the Negev Desert prison, most of whom were arrested at the beginning of the ground invasion of the strip on October 27, 2023. The report indicated that the testimonies of the eight prisoners included details about the torture, mistreatment, and horrific assaults they faced, especially in the initial period of their detention before being transferred to the Negev prison.

The report, which comes at a time when the brutal Israeli aggression against Gaza is nearing its second year, noted that all detainees are still subjected to difficult and tragic conditions that words fail to convey regarding the reality of what is happening to them inside the prison, particularly in the current phase due to the spread of skin diseases among them, specifically scabies, which has become a tool of torture and mistreatment. This report clarified that the data indicates the presence of about 1,200 detainees from Gaza in the Negev prison, distributed across eight sections, each containing 150 detainees. It pointed out that Israel has announced the arrest of 1,584 individuals it describes as "illegal combatants," while Israeli media revealed that more than 1,400 people from the Gaza Strip have been arrested recently [42]

Subsection Four: Persecution in Gaza

This crime is classified as a racist crime against humanity, where the perpetrator deliberately deprives the victim of their fundamental rights as guaranteed by international treaties and conventions. For example, this includes the right to freedom of movement, freedom of expression and opinion, and the right to access the courts. This is particularly evident in the practices of the Israeli entity against innocent Palestinians. A report by the United Nations Fact-

Finding Mission on the Gaza conflict, particularly in the West Bank of the State of Palestine, noted that amid increasing violence perpetrated by settlers against Palestinians, the Israeli entity has failed miserably to protect Palestinians, using excessive force against Palestinian protesters, including the use of firearms, live ammunition, and sniper fire, resulting in fatalities and thus a clear violation of international law. The report also indicated that the Israeli entity follows "rules of engagement" for dealing with protests based on discriminatory criteria, depending on the presence of individuals of certain nationalities among the demonstrators, violating the principle of non-discrimination in international law. Furthermore, the Israeli entity has failed to investigate and prosecute acts involving serious violations of international humanitarian law and human rights law committed by its agents or third parties. The removal of housing rights from Palestinians by the Israeli entity can lead to displacement and entails further violations of other rights. [43]

Subsection Five: The Crime of Forced Disappearance of Persons

This crime refers to the arrest, detention, or abduction of any person by a state or political organization, or with its permission or support, and the acknowledgment of depriving these individuals of their freedoms or providing information about their fate or whereabouts, with the aim of denying them the protection afforded by law for an extended period. This situation is prevalent concerning many Palestinians. [44]

Palestinian organizations have stated that the judicial system of the Israeli entity has contributed to entrenching the crime of forced disappearance and torture against detainees in Gaza by holding thousands of them. They added that the crime of forced disappearance is practiced based on the "Unlawful Combatant" law issued by the Israeli Knesset (parliament) in 2002, which constitutes a clear and explicit violation of due process. The same statement clarified that with the onset of the genocide war in Gaza, the occupation introduced legal amendments to the Unlawful Combatant law that further entrenched the crime of forced disappearance, along with the occupation's refusal to disclose any information concerning Gaza's detainees or any data related to their numbers. It was noted that several petitions were submitted to the Israeli Supreme Court aimed at revealing the identities of the detainees and their places of detention. In every instance, the court affirmed what it has established over decades: that it is a primary arm in entrenching crimes against Palestinians. The same report indicated that the crime of forced disappearance has become one of the most prominent aspects of the ongoing genocide against Gaza since last year, in light of widespread and ongoing arrests targeting all categories, including children, women, and the elderly, as well as the targeting of dozens of medical staff during repeated incursions into hospitals, the most notable of which was the largest invasion of Al-Shifa Hospital. The joint statement highlighted the lack of clear and accurate information about the total number of Gaza detainees, including women and children, and the martyrs who fell victim to torture or execution. It was mentioned that the information available regarding Gaza detainees only up to the beginning of August included 1,584 classified as "unlawful combatants," while Israeli media revealed that more than 4,500 citizens from Gaza had been arrested since the onset of the war on the region. [45]

Conclusion

In summary, the international community has criminalized several forms of crimes against humanity through various international treaties, particularly under the Rome Statute of the International Criminal Court. However, the reality on the ground shows that Israel has engaged in numerous grave crimes against humanity in Gaza, disregarding international laws. It is essential for the global community, particularly Arab states, to take action to protect Palestinian civilians, promote peace, and work toward a resolution for Gaza.

Gaza after the latest war, under the pretext of 'Al-Aqsa Flood,' which was a justification for the Zionist entity to seize the opportunity it had long awaited to take control of this region. In doing so, it used every method outlawed by international law, without any intervention from other parties.

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